

# State of South Dakota

SEVENTY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 1997

400A0662

## HOUSE ENGROSSED NO. **HB1259** - 2/14/97

Introduced by: The Committee on Judiciary at the request of the Department of Corrections

1 FOR AN ACT ENTITLED, An Act to provide certain provisions regarding inmate assault  
2 against Department of Corrections employees.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 22-18 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 Any convicted person under the jurisdiction of the Department of Corrections who  
7 intentionally throws, smears, or otherwise causes blood, emesis, mucus, semen, excrement, or  
8 human waste to come in contact with a Department of Corrections employee, or visitor, or  
9 volunteer authorized by the Department of Corrections, or person under contract assigned to the  
10 Department of Corrections is guilty of a Class 6 felony.

11 Section 2. That chapter 22-18 be amended by adding thereto a NEW SECTION to read as  
12 follows:

13 A penitentiary sentence arising from a conviction pursuant to section 1 of this Act may not  
14 commence until the expiration, with no allowance of good time, of the last sentence of  
15 imprisonment, pursuant to § 23A-27-36.

16 Section 3. That chapter 22-18 be amended by adding thereto a NEW SECTION to read as

1 follows:

2 An inmate sentenced pursuant to section 1 of this Act shall serve the entire term of the  
3 sentence and is not eligible for parole release as authorized under chapter 24-15A.

4 Section 4. That § 22-18-1.1 be amended to read as follows:

5 22-18-1.1. Any person who:

6 (1) Attempts to cause serious bodily injury to another, or causes such injury, under  
7 circumstances manifesting extreme indifference to the value of human life;

8 (2) Attempts to cause, or knowingly causes, bodily injury to another with a dangerous  
9 weapon;

10 (3) Attempts to cause or knowingly causes any bodily injury to a law enforcement officer  
11 or other public officer engaged in the performance of ~~his~~ the officer's duties;

12 (4) Assaults another with intent to commit bodily injury which results in serious bodily  
13 injury; ~~or~~

14 (5) Attempts by physical menace with a deadly weapon to put another in fear of imminent  
15 serious bodily harm; or

16 (6) Is a convicted person under the jurisdiction of the Department of Corrections and  
17 attempts to cause, or knowingly causes bodily injury to a Department of Corrections  
18 employee, or authorized visitor, volunteer, or person under contract assigned to the  
19 Department of Corrections;

20 is guilty of aggravated assault. Aggravated assault is a Class 3 felony.

1    **BILL HISTORY**

2    2/3/97 First read in House and referred to Judiciary. H.J. 266

3    2/10/97 Scheduled for Committee hearing on this date.

4    2/10/97 Judiciary Do Pass Amended, AYES 11, NAYS 2.

5    2/12/97 Deferred to another day. H.J. 454

6    2/13/97 Motion to Amend. H.J. 466

7    2/13/97 House of Representatives Do Pass Amended, AYES 51, NAYS 17. H.J. 466